

REMARKS

Amendments

Claims 32 and 41 are both amended to recite that the anti-HIV D-nucleoside compound is a 2', 3'-dideoxy nucleoside. These amendments provide express antecedent for the term 2', 3'-dideoxy nucleoside, as recited on claims 32 and 41, and the claims dependent thereon.

Rejection under 35 USC §112, 2nd paragraph

As discussed above, claims 32 and 41 are amended to recite that the anti-HIV D-nucleoside compound is a 2', 3'-dideoxy nucleoside. Withdrawal of the rejection is respectfully requested.

Obviousness-type Double Patenting Rejections

Claims 20-24, 31-33, 40-42, and 49-58 are rejected on grounds of obvious-type double patenting in view of claims 13-26, 41-45 and 53-60 of US 6,180,639, taken in combination with Liotta et al. (US 5,539,116). In addition, claim 19 is rejected on grounds of obvious-type double patenting in view of claims 1-12, 27-40, and 46-52 of US 6,180,639. Applicants wish to hold in abeyance a response to this rejection until such time as the claims are otherwise indicated as being allowable.

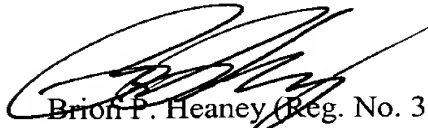
Rejection under 35 USC §103

Claims 19-24, 31-33, 40-42 and 49-58 are rejected as allegedly being obvious in view of Rideout et al. (US 4,724,232) in combination with Liotta et al. (US 5,539,116). This rejection is respectfully traversed.

In the rejection it is asserted that US '116 discloses the isolated (-)-enantiomer of BCH-189 and allegedly teaches that (-)-BCH-189 and AZT are equivalents, citing column 2, lines 60-64. However, the rejection fails to indicate where the (-)-enantiomer of BCH-189 is disclosed by US '116. As for the reference to column 2, lines 60-64 of US '116, this portion of the disclosure refers to BCH-189, which is a racemic mixture. Neither this disclosure nor any other portion of the disclosure mentions the (-)-enantiomer of BCH-189. Withdrawal of the rejection is respectfully requested.

In view of the above remarks, withdrawal of the rejection is respectfully requested.

Respectfully submitted,



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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

Please amend claims 32 and 41 as follows:

--32. A composition of claim 21, wherein said anti-HIV D-nucleoside compound is
a 2',3'-dideoxy nucleoside is selected from AZT, 2',3'-dideoxycytidine, 2',3'-
dideoxyadenosine, 2',3'-dideoxyinosine, 2',3'-dideoxythymidine, 2',3'-dideoxy-2',3'-
didehydrothymidine, 2',3'-dideoxy-2',3'-didehydrocytidine and mixtures thereof.

41. A composition of claim 22, wherein said anti-HIV D-nucleoside compound is
a 2',3'-dideoxy nucleoside is selected from AZT, 2',3'-dideoxycytidine, 2',3'-
dideoxyadenosine, 2',3'-dideoxyinosine, 2',3'-dideoxythymidine, 2',3'-dideoxy-2',3'-
didehydrothymidine, 2',3'-dideoxy-2',3'-didehydrocytidine and mixtures thereof.--